

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DEFENDANT'S RESPONSE TO MOTION FOR SANCTIONS

AND NOW, comes the defendant, by his attorneys, Thomas W. Corbett, Jr., Attorney General, Kemal Alexander Mericli, Senior Deputy Attorney General, Susan J. Forney, Chief Deputy Attorney General, Chief Litigation Section, and represents the following:

1. Defendant has answered the complaint.
2. They are in the process of providing answers to interrogatories and the request for production, a task that they hope to accomplish soon.
3. As soon as reasonably possible, they intend to file a motion for summary judgment in this case. It is expected that any day now replacements for Mr. Torbic, who took a position with U.S. Steel in November, and Mr. Bareford, who was recalled to active duty with the USMC will arrive to end the staff shortage exacerbated by the recent trial schedule of the remaining Western Regional Office attorneys.

WHEREFORE, it is respectfully requested that the motion be denied.

Respectfully submitted,

THOMAS W. CORBETT, JR.
Attorney General

By: s/Kemal Alexander Mericli
Kemal Alexander Mericli
Senior Deputy Attorney General
Attorney I.D. No. 27703

Susan J. Forney
Chief Deputy Attorney General
Chief, Litigation Section

OFFICE OF ATTORNEY GENERAL
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

Date: February 21, 2006

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Defendant's Response to Motion for Sanctions was served upon the following via first-class or electronic mail on February 21, 2006.

Ryan Kerwin, DZ-0246
State Correctional Institution
at Albion
10745 Route 18
Albion, PA 16475

s/Kemal Alexander Mericli
Kemal Alexander Mericli
Senior Deputy Attorney General

OFFICE OF ATTORNEY GENERAL
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